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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,906	08/25/2003	Shinichiro Watanabe	KIOI:033	2342
7590	08/10/2005		EXAMINER	
ROSSI & ASSOCIATES P.O. Box 826 Ashburn, VA 20146-0826			CHARLES, MARCUS	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/647,906	WATANABE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Marcus Charles	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 August 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-4 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-4 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 25 August 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9-20-2004.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

This is the first action relating to serial application number 10/647,906, filed 08-25-2003. Claims 1-4 are currently pending.

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 09-20-2004 has been considered by the examiner.

### ***Drawings***

3. The examiner has accepted the drawing filed with this application.

### ***Specification***

4. The disclosure is objected to because of the following informalities: in page 5, line 2, "13" should be --11--after "secondary pulley".

In page 6, line 9, "11" should be --11c-- after cylinder chamber".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1-4, lines 1, the term "type" renders the intended scope of the claim indefinite because it is not clear as to

what type of V-belt is the term referring to. It appears that the claim is referring to type that are not disclosed.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swada et al. (6,217,469) in view of Kawamura (6,168,547). Swada et al. discloses a CVT comprising a line pressure control apparatus, which comprises an engine speed detector (301), a line pressure control means (310) that controls the line pressure. Swada et al. also disclose that the CVT is controlled based on various parameters such as the engine speed. This would inherently determine the line pressure value. Swada et al. does not disclose the line pressure upper limit is base on the engine speed and is equal or higher that a predetermined speed for setting the upper limit and a line pressure control means for controlling the line pressure such that the line pressure does not exceed the upper limit. Kawamura discloses a controller for a line pressure control device comprising controller (61) having a means for setting the line pressure to a predetermined (target) value and for controlling the line pressure base on the engine speed in order to satisfy the oil pressure requirements of the system and to reduce pump noise due to vibration. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to modify the device of Swada et al. to include the limitations of Kawamura for controlling the line pressure base on the engine speed in order to satisfy the oil pressure requirements of the system and to reduce pump noise due to vibration.

In claim 2, it is apparent that the line pressure is set based on the engine speed.

In claims 3-4, it is inherent that the engine speed depends on the range signal and the line pressure will be set according to the range signal.

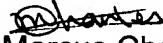
### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP (11-166620) discloses a system for controlling pump noise in a CVT. (Van Wijk et al. (5,941,786) discloses a system for controlling the pump according to the engine speed conditions. Kawamura (6,120,413) and JP (62,83548) disclose a controller for controlling the line pressure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
August 5, 2005